

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

DAVID RIVERA and

In re: CASE NO.: 11-bk- 18019-KSJ

SUZANNE RIVERA

Chapter 13

Debtor(s).

**NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING**

Pursuant to Local Rule 2002-4, the Court will consider this motion, objection, or other matter without further notice or hearing unless a party in interest files an objection within 21 days from the date this paper is entered on the docket. If you object to the relief requested in this paper, you must file your objection with the Clerk of the Court at 135 W. Central Blvd., Ste 950, Orlando, FL 32801 and serve a copy of on the undersigned at the address set forth below. If you file and serve an objection within the time permitted, the Court may schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the Court will consider that you do not oppose the granting of the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.

**MOTION TO MODIFY CONFIRMED CHAPTER 13 PLAN**

Comes now the Debtors, by and through Counsel undersigned and files this their Motion to Modify Confirmed Chapter 13 Plan and would state as follows:

1. The Debtor's case was confirmed on
2. A Notice of Increase in Plan Payments was filed by the Trustee on September 11, 2012 (DE# 45).
3. Debtor is currently paying \$856.79 to Astoria Federal Savings and Loan.
4. Debtor is on an interest only payment and is therefore sending more a month to be contributed to his principal.
5. That payment Debtors are making should thus absorb the increase from \$656.79 to \$703.78 and should not increase his plan payments because Astoria will just be applying less to his principal.
6. The Debtor would propose to modify the confirmed plan payments and disbursements as follows:

SEE ATTACHED SPREADSHEET

7. Since the Debtors' confirmed plan provided for payments of all disposable income over a period of sixty months and priority and secured creditors will not be adversely effected by this modification, it is further moved that provisions for a notice and hearing as specified by 11 U.S.C. Section 1329 (b) (2) is hereby waived. All other provisions of the Order confirming Chapter 13 plan remain the same, unless otherwise modified herein.

WHEREFORE, Debtor requests this Honorable Court for it's Order granting Debtor's Motion to Modify and such other relief that may be deemed just and proper in the circumstances.

A true and correct copy of the foregoing has been sent by either electronic transmission this 5th of November, 2012 or U.S. Mail the 5th day of November, 2012 to: Laurie K. Weatherford, Trustee, PO Box 3450, Winter Park, FL 32790; Debtor: David and Suzanne Rivera, 704 Lancewood Drive, Winter Springs, FL 32708, Wayne B. Spivak, Esquire, on behalf of Astoria Federal Savings and Loan Association via email to [bkfl@albertellilaw.com](mailto:bkfl@albertellilaw.com) and to All Creditors and Interested Parties.

/s/ Monica E. Reyes  
RKE Law Group  
Florida Bar No. 053119  
6301 NW 5<sup>th</sup> Way, Suite 2000  
Fort Lauderdale, FL 33309  
(954) 526-0361  
Attorney for Debtor(s)